

House File 516 - Reprinted

HOUSE FILE 516
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 196)

(As Amended and Passed by the House March 22, 2011)

A BILL FOR

1 An Act relating to the construction of subdivision improvements
2 and certain notice requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 354.8, Code 2011, is amended to read as
2 follows:

3 **354.8 Review and approval by governing bodies.**

4 1. A proposed subdivision plat lying within the
5 jurisdiction of a governing body shall be submitted to that
6 governing body for review and approval prior to recording.
7 Governing bodies shall apply reasonable standards and
8 conditions in accordance with applicable statutes and
9 ordinances for the review and approval of subdivisions. The
10 governing body, within sixty days of application for final
11 approval of the subdivision plat, shall determine whether the
12 subdivision conforms to its comprehensive plan and shall give
13 consideration to the possible burden on public improvements
14 and to a balance of interests between the proprietor, future
15 purchasers, and the public interest in the subdivision when
16 reviewing the proposed subdivision and when requiring the
17 installation of public improvements in conjunction with
18 approval of a subdivision. The governing body shall not issue
19 final approval of a subdivision plat unless the subdivision
20 plat conforms to sections 354.6, 354.11, and 355.8.

21 2. If the subdivision plat and all matters related to final
22 approval of the subdivision plat conform to the standards and
23 conditions established by the governing body, and conform
24 to this chapter and chapter 355, the governing body, by
25 resolution, shall approve the plat and certify the resolution
26 which shall be recorded with the plat. The recorder shall
27 refuse to accept a subdivision plat presented for recording
28 without a resolution from each applicable governing body
29 approving the subdivision plat or waiving the right to review.

30 3. As used in this section, the term "subdivision
31 improvements" means any fixture, structure, or other improvement
32 to land required to be constructed or installed by the
33 proprietor as a condition of the governing body's approval of a
34 subdivision plat.

35 4. a. For a city with a population equal to or greater

1 than fifty thousand, if the proprietor or the contractor for
2 the construction of subdivision improvements has provided
3 the name and facsimile number or electronic mail address of
4 the contractor, the city shall notify the contractor, either
5 by facsimile or electronic mail, not less than forty-eight
6 hours in advance of the date on which the city will consider
7 the acceptance of subdivision improvements constructed by the
8 contractor.

9 b. For a city with a population equal to or greater than
10 twenty-five thousand but less than fifty thousand, a proprietor
11 or the contractor for the construction of subdivision
12 improvements may request that the city notify the contractor,
13 either by facsimile or electronic mail, not less than
14 forty-eight hours in advance of the date on which the city will
15 consider the acceptance of subdivision improvements constructed
16 by the contractor. Upon the receipt of such a request to
17 notify the contractor, the city shall provide such notice.

18 c. A city's failure to provide notice pursuant to paragraph
19 "a" or "b" shall not impose any responsibility on the city
20 for the payment of any amounts owed by a proprietor to a
21 contractor.

22 5. A city may establish jurisdiction to review subdivisions
23 or plats of survey outside its boundaries pursuant to the
24 provisions of section 354.9. In the case of a city, the
25 provisions of this section apply to the review by the city of
26 both subdivision plats and plats of survey.